

REMARKS

The independent claim has been amended further to state that the pattern-bearing film is sent from an upper position along the vertical direction in one line. This limitation is clearly supported in the application. See, for example, Figs. 1, 7, 8, 10, 12, 13, and 15, and the related discussion in the specification associated therewith. Having the direction of the arrangement of the divided heating blocks and the direction of passage of the pattern-bearing film be the same direction effectively prevents ununiform distribution of the temperature of the pattern-bearing film.

The rejection of claim 7 under 35 USC 103 as unpatentable over Ohno '536 in view of Nied et al. '490 is respectfully traversed. The references do not teach or suggest the arrangement as claimed.

The Examiner acknowledges in the Final Rejection, as he has throughout the course of prosecution of this case, that the primary reference does not teach or suggest the particular arrangement of the heating board. The secondary reference is cited purportedly to show such an arrangement. It will be recalled that claim 7 was revised in the Amendment Under 37 CFR

1.111 filed December 18, 2003 better and patentably to distinguish the claimed apparatus from any arrangement suggested and discussed in the prior art. More particularly, the claims specify that the heating board is formed in a single line only and the differences between this configuration and that shown in the secondary reference were discussed in detail in the last reply at pages 4 and 5. Applicants continue to rely upon those arguments.

The Examiner asserts in the Final Rejection that one of ordinary skill in the art would have sufficient reason to arrange heating blocks in one line only based upon a collective teaching of the references "when a corresponding profile of varying temperature zones is desired in the sheet"; see the fourth to sixth lines from the end of page 5 of the Final Rejection. The Examiner also asserts in the sentence bridging pages 5 and 6 of the Final Rejection that this perceived modification would provide "a simpler apparatus with less heating blocks." Applicants respectfully submit that the rejection has been formulated in hindsight because Nied et al. '490 wants to have variability throughout the heating block so that one may apply differential heating in accordance with a

preselected thermal pattern; see the third sentence in the Abstract. Applicants also submit with respect that restricting the heating block in Nied et al. '490 to a vertical single line operation would thoroughly compromise the objectives of the patentees; see, for example, the discussions at column 2, lines 51 to 62; column 4, lines 35 to 41; column 6, lines 13 to 16, and column 7, lines 14 to 34. See also the "varying" steps recited in patent claims 1 and 5 and the "control means" elements in apparatus claims 9 and 14 of the patent. The revised configuration asserted by the Examiner is believed detrimental to the intention and objectives of Nied et al. '490 and, as such, the rejection is improper. See In re Gordon, 221 USPQ 1125 (Fed.Cir. 1984). The rejection should be withdrawn.

The rejection of claim 8 under 35 USC 103 as unpatentable over Ohno '536 in view of Nied et al. '490 further in view of Chapman '669 is also respectfully traversed. The tertiary reference is cited to show that it is known to use temperature sensors. The reference, however, does not overcome what is lacking in the primary and secondary references discussed above and the rejection should be withdrawn.

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The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

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